

Remarks

With respect to the Species Election Requirement contained in the Office Action, Applicant elects Species I with traverse. Claims 47-52 read on the elected Species I.

The reason for the traverse is that independent claim 47 is generic to all of the claims. In addition, there is no supporting analysis relating the species election to the claims. Rather, the Examiner has taken each set of claims and deemed it as a separate species.

With regard to election of species MPEP §814 states as follows:

814 Indicate Exactly How Application Is To Be Restricted

SPECIES

The mode of indicating how to require restriction between species is set forth in MPEP §809.02(a).

As pointed out in Ex parte Ljungstrom, 1905 C.D. 541, 119 O.G. 2335 (Comm'r Pat. 1905), the particular limitations in the claims and the reasons why such limitations are considered to restrict the claims to a particular disclosed species should be mentioned if necessary to make the requirement clear."

In view of the above cited MPEP rule, Applicant would submit that the species election requirement is invalid on its face. Accordingly favorable consideration and allowance of claims 47-67 is respectfully requested. An Information Disclosure Statement is being filed concurrently with this Response. Should any issues arise that will advance this case to allowance, the Examiner is asked to contact the undersigned by telephone.

DATED this 24th day of May, 2004.

Respectfully submitted:



STEPHEN A. GRATTON
Registration No. 28,418
Attorney for Applicants

2764 S. Braun Way
Lakewood, CO 80228
Telephone: (303) 989-6353
FAX (303) 989-6538

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My 24, 2004
Date of Signature



Stephen A. Gratton, Attorney for Applicant